

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**NOVEMBER 4, 2021**  
**7:00 p.m.**

**Regular Meeting**

The Town of East Fishkill's Town Board Meeting on November 4, 2021 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance.

**Supervisor's Announcements**

Supervisor D'Alessandro stated he had no announcements.

**Roll Call:** Supervisor D'Alessandro asked the Deputy Town Clerk to call the rolls.

Board Members in attendance:

Peter	Thomas	Emanuele	Anil	Nicholas
Cassidy	Franco	Marinero	Beephan	D'Alessandro

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Mark Pozniak, Comptroller; Chief Bellino, East Fishkill Police Department; Ken Williams, Highway Superintendent.

**Public Hearings:**

1. Open Public Hearing for the Special District Benefit Units

Motion to open the Public Hearing for the Special District Benefit Units: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated that the Special District Benefit Units is how they calculate the units for water and sewer. Usually one home is one benefit unit. For commercial parcels there is a formula.

Comptroller Pozniak stated that most property taxes are based on the assessed value of the property. It is not the case for water and sewer districts or sidewalk and drainage districts. There is a benefit unit roll. Residential units are generally

assigned a value of one and commercial units are based on a formula or a variation of that. He did have slides that showed the special districts with the benefit units and the tax rate per benefit unit, which he reviewed. It showed the benefit units, the 2022 tax levy, the 2022 rate per benefit unit, and the 2021 rate per benefit unit. The rates generally support the capital in a district. Comptroller Pozniak also had a slide with the new water district rates showing a comparison from the 2022 rate to the 2021 rate, the dollar amount of change, the percentage of change, and the minimum bill. The revenue rate within these rates stay within each district their raised from.

Supervisor D'Alessandro stated that the town does not make any money on water and sewer districts. Comptroller Pozniak stated in the revenue raised within the district, has to be spent for the benefit of that specific district. The benefit units generated by the tax revenue usually go towards debt payment. The quarterly water payments generally go towards the operation and maintenance of the district. Hopewell West District is a flat rate, not a rate per thousand gallons. Engineer Bryant stated there are no meters installed there yet.

Board Member Marinaro asked if Taconic Estate was the same as Taconic Oaks. Supervisor D'Alessandro stated it is off of Carpenter and Bykenhulle. Comptroller Pozniak explained that if it was marked in red it was based on a per hundred calculation. Vacant lots have a slightly reduced amount. Comptroller Pozniak stated because they do not know exactly what the water usage is each year, there is fluctuation in the rates from year-to-year. It is more predictable with the sewer districts as there is a flat quarterly rate. Board Member Beephan asked if that change on the chart was per year or per quarter and Comptroller Pozniak stated it was per quarter.

Engineer Bryant stated the sewer and water rates for John Jay High School went down because Amazon will be coming online. Comptroller Pozniak stated there are several new users coming online for this district within the next few years so that will be driving down the expenses.

Supervisor D'Alessandro asked if there was anyone from the Board with more questions or comments. There was no one. He asked if there was anyone from the public with any questions or comments. There was no one.

Motion to close the Public Hearing for the Special District Benefit Units: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

## 2. Open Public Hearing on the 2022 Proposed Budget

Motion to open the Public Hearing on the 2022 proposed budget: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they had a workshop last month for the budget. He stated this is the most important duty of the Town Board. He thanked the Board and Comptroller for all of their input. He feels this is a very economical budget for the town residents. The Town of East Fishkill has never broken the New York State mandated tax cap. This year they are not appropriating any fund balance toward the budget. New York State has a fiscal stress score for every municipality in the state. At one point East Fishkill was as high as 25. This year their's was a score of nine with the lowest being zero, so they are doing very well fiscally. They had never been on any fiscally stressed lists.

Comptroller Pozniak gave a summary of the funds and districts within the town. The Town's total spending would be \$21 million. The tax rate for townwide expenditure will be reduced by approximately 6% to just under \$3.12 per thousand this year. They are figuring most properties will pay approximately 1% more in 2022 compared to 2021. Supervisor D'Alessandro stated there was an increase in assessments this year. New York State reviews the increases or decreases and what assessments should be. Home values have been increasing so on average homes went up 7% in East Fishkill. The tax rate will decrease by 6% if this budget is accepted, so the 7% increase in your assessment subtracting the 6% decrease in your taxes shows the 1% increase. He stated that the only way your taxes go up is if the town, county, or school district raise your taxes. Not if your assessment goes up. Comptroller Pozniak stated that East Fishkill is still the lowest tax rate of all the neighboring towns that have a full-time Police Department. They do expect the rate to drop down from \$3.31 per thousand to \$3.12 per thousand. He reviewed the chart showing the historical spending trends for the last 10 years. He reviewed a pie chart and the total property taxes and the disbursement to each municipality. There was also a charge showing percentages of funds being spent within the town budget. He stated that the fund balance has been steadily growing and they may need to draw it down in the future so they are trying to protect it now. They are continuing to increase the paving and drainage as well as the Highway equipment purchases. Minimum wage will increase from \$12.50 per hour to \$13.20 per hour. This will have an impact on camp staff and Red Wing operating costs as well as town hall staff.

Supervisor D'Alessandro stated that this Town Board has increased the paving and drainage budget by approximately \$100,000 every year for the last four years. Right now it is at slightly over \$1 million per year for paving and drainage. They are dedicated to pave more and more roads each year.

Supervisor D'Alessandro asked if there was anyone on the Town Board with any comments or questions.

Board Member Franco thanked the Supervisor and Comptroller for their hard work on this. He feels it is a great budget. He asked if the Comptroller saw anything in the future that could possibly cause a concern. The mortgage tax this year was incredible. Comptroller Pozniak stated things like mortgage tax return and sales

tax returns are outside of their control. They are expecting a good mortgage tax result this year, but probably won't continue to see that for years to come. He is concerned about possible market decline and how it would affect the town as well as pension costs. The amount contributed to pension costs is driven largely by market results and if that goes down the cost goes up.

Board Member Beephan asked if the increases in income are a rare occurrence or one-time occurrence due to the heightened economic development in the town, the increase in the mortgage tax, and increase in sales tax. Comptroller Pozniak stated he believes sales tax is the only one that could potentially keep growing. The sustained income from the increase in development will come through in taxes as values increase. Board Member Beephan stated that he believes it would be irresponsible of the Board to use this income this year to decrease the tax base as it does not appear it will be a sustained income. Supervisor D'Alessandro stated these are things that they did review when working on this project. Any extra goes towards fund balance.

Board Member Franco asked if they had any numbers as to how much the general fund has grown over the years. Comptroller Pozniakh stated it was approximately \$1 million five years ago and it is now up to \$5 million through operating surpluses each year. Supervisor D'Alessandro stated they have done a lot to get spending under control. They are one of the lowest employment levels that they have ever seen. Staff is very hard-working. Board member Franco thanked all the staff, especially during Covid, for going above and beyond. Supervisor D'Alessandro stated this year's budget is approximately \$2 million larger than last year's budget. It is a big budget for a small town. There is a full-time Police Department, a large highway department, and more town roads than any other town in the County.

Board Member Marinaro stated he is happy with the way the budget worked out. He stated they do have revenue increase and the biggest challenge for the town is road paving. He would like to see a larger investment in the Town's roads. He does understand money going towards the fund balance is important, but he feels investing in the roads would be prudent. He would like to see an increase in paving and drainage if at all possible. Supervisor D'Alessandro stated they did increase it by \$100,000 this year and after the first quarter of 2022 they may be able to reevaluate. He feels they should wait to see what sort of winter there is first. Supervisor D'Alessandro stated he is concerned about what they budgeted for fuel costs, as they have increased tremendously since they first started working on this budget.

Board Member Cassidy stated it is a good budget. One bad storm or hurricane can blow the budget.

Board Member Beephan stated he believes this is a great budget and thanked staff for doing more with less.

Supervisor D'Alessandro asked if there was anyone to speak for or against the 2022 proposed budget. There was no one.

Motion to close the Public Hearing on the 2022 proposed budget: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Motion to adopt the 2022 budget and the employee salary schedule and establish the water and sewer rates: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Approve Minutes:**

None

**Announcement of Additions to the Agenda:**

Supervisor D'Alessandro said there are no additions to the agenda.

**Courtesy of the Floor:**

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or town items. There was no one.

**Receive and File**

Supervisor D'Alessandro said there was nothing.

**Resolutions:**

**1. Adopt 2022 Town Employee Salary Schedule**

**RESOLUTION**  
**(SETTING SALARIES FOR TOWN EMPLOYEES)**

**WHEREAS**, it is the role of the Town Board to fix all compensation for Town employees and officials; and

**WHEREAS**, the Town Board has received rates for all of the Officials, Seasonal and Part-time positions for 2022; and

**NOW, THEREFORE, BE IT RESOLVED**, that the elected officials of the Town shall be paid in accordance with the amounts set forth in the 2022 adopted budget; and

**BE IT FURTHER RESOLVED**, that the salaries as provided for in the contractual agreement between the Town and the East Fishkill Police Benevolent Association shall be paid in accordance therewith; and

**BE IT FURTHER RESOLVED**, that the salaries as provided for in the contractual agreement between the Town and the CSEA shall be paid in accordance therewith; and

**BE IT FURTHER RESOLVED**, that all other Officials, Seasonal and Part-time employees of the Town shall be paid in accordance with the schedule attached hereto.

Supervisor D'Alessandro stated this was done with the budget motion.

**2. Authorize establishing Water and Sewer Rates for 2022**

**RESOLUTION**

**(AUTHORIZE QUARTERLY RATES AND FEES FOR WATER AND SEWER)**

**WHEREAS**, it is necessary for the Town Board to authorize the quarterly rates for the water and sewer districts; and

**WHEREAS**, the Town Board has received and reviewed the water and sewer rates; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board does hereby authorize the water and sewer rates for 2022.

Supervisor D'Alessandro stated this was done with the budget motion.

**3. Authorize Negative Declaration and Special Permit for Rolling Frito Lay**

Attorney Wood summarized and explained this multipage resolution.

**RESOLUTION**

**(GRANTING AN ECONOMIC REDEVELOPMENT SPECIAL PERMIT FOR PROJECT NIAGARA)**

**WHEREAS**, the Town Board of the Town of East Fishkill received an application from Rolling Frito-Lay Sales, LP, contract vendee, for an Economic Redevelopment Special Permit for construction of a fulfillment

center (the “Project”) on property located at 10-350 North Drive consisting of approximately 28.42 acres in the I-1 Light Industrial Zoning District, which property includes portions of Lots 2 and 3, as shown on the “Final Subdivision Plat, GLOBALFOUNDRIES U.S. 2 LLC,” filed in the Dutchess County Clerk’s Office on August 3, 2017 as FM# 12578, and designated as Tax Parcels p/o 6356-04-861300, 6356-04-950353 and p/o 6456-03-054349, as part of the former IBM East Campus on Route 52 (the “Property”); and

**WHEREAS**, on August 26, 2021, the Town Board referred the application to the Town of East Fishkill Planning Board and authorized the circulation of its Notice of Intent to Declare Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, on September 3, 2021, the application was referred to the Dutchess County Department of Planning and Development pursuant to General Municipal Law §§ 239-l, 239-m, and 239-n and the County responded with a memorandum dated September 22, 2021; and

**WHEREAS**, the Project is a Type I Action, pursuant to 6 NYCRR 617.4(b)(6)(v) and on September 13, 2021, Notice of Intent to Declare Lead Agency pursuant to SEQRA was circulated to all known involved and interested agencies; and

**WHEREAS**, on September 23, 2021, the Town Board and Planning Board opened a duly noticed joint public hearing on the Special Permit, Subdivision, and Site Plan applications at which time all interested parties were given an opportunity to be heard; and

**WHEREAS**, on September 23, 2021, the Town Board closed the public hearing on the Special Permit application and the Planning Board continued the public hearing on the Subdivision and Site Plan applications to October 12, 2021; and

**WHEREAS**, on October 12, 2021, the Planning Board continued the public hearing on the Subdivision and Site Plan applications at which time all interested parties were given an opportunity to be heard, and the public hearing was closed on October 12, 2021; and

**WHEREAS**, on November 4, 2021, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Project, the Town Board, as lead agency pursuant to the SEQRA, adopted a Negative Declaration of Environmental Significance finding the project will not result in any significant adverse environmental impacts; and

**WHEREAS**, the Town Board has considered the application with respect to all relevant provisions of the Town Code, including the special permit standards set forth at Sections 194-44 and 194-46.7; and

**WHEREAS**, the Town Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the Town Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that the application is in compliance with the general special permit standards set forth at Town Code Section 194-44 and the specific special permit standards set forth at Town Code Section 194-46.7 and an Economic Redevelopment Special Permit, in accordance with Section 194-46.7 of the Town Code, is granted with respect to the plans filed with the Planning Board for Site Plan approval, subject to the following conditions:

- 1) Compliance with the terms of the SEQRA Negative Declaration of the same date.
- 2) Subdivision and Site Plan approval by the Planning Board.

**BE IT FURTHER RESOLVED**, that the Supervisor be and hereby is authorized to execute an Economic Development Permit with respect to the Project.

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to execute necessary documentation from the Dutchess County Industrial Development Agency (IDA).

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be forwarded to the Clerk of the Planning Board.

### **RESOLUTION**

#### **(REJECTING OFFER OF CESSION AND DEDICATION OF FEE ROAD III)**

**WHEREAS**, an Irrevocable Offer of Cession and Dedication was made to the Town of East Fishkill by GlobalFoundries U.S. 2 LLC, dated July 21, 2017, and recorded in the Dutchess County Clerk's Office on August 7, 2017 as Document No. 02 2017 5784 in connection with the "2070 Route 52 Preliminary Plat Subdivision, GLOBALFOUNDRIES U.S. 2 LLC" which plat was filed in the Dutchess County Clerk's Office on August 3, 2017 as Filed Map No. 12578 ("Filed Map 12578"); and



**WHEREAS**, the Irrevocable Offer of Cession and Dedication includes Fee Road “I,” Fee Road “II,” Fee Road “III” and Fee Road “V” as shown on Filed Map 12578; and

**WHEREAS**, the Town Board of the Town of East Fishkill finds that the acceptance of the dedication for Fee Road “III” for public highway purposes is not in the best interests of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of East Fishkill hereby rejects the offer of cession and dedication for Fee Road “III” as described above.

**BE IT FURTHER RESOLVED**, that this resolution shall have no effect on the remaining portions of the Irrevocable Offer of Cession and Dedication for Fee Road “I,” Fee Road “II” and Fee Road “V” insofar as the Town maintains the right to accept such offers by resolution pursuant to the terms and conditions of the above-referenced Irrevocable Offer of Cession and Dedication.

**BE IT FURTHER RESOLVED**, the Town Board hereby authorizes the Supervisor or his authorized designee to sign all documents as may be necessary to effectuate the purpose of this resolution.

## **RESOLUTION**

### **(REJECTING OFFER OF DEDICATION OF NORTH DRIVE)**

**WHEREAS**, a subdivision plat entitled, “2070 Route 52 Preliminary Plat Subdivision, GLOBALFOUNDRIES U.S. 2 LLC” was filed in the Dutchess County Clerk’s Office on August 3, 2017 as Filed Map No. 12578 (“Filed Map 12578”) and shows a right-of-way labeled as “North Drive” and “R.O.W A & K” (hereinafter referred to as “North Drive”); and

**WHEREAS**, as a general principle, rights-of-way shown on a subdivision plat are deemed to be offered for dedication to the Town unless an unequivocal note to the contrary is included on the plat; and

**WHEREAS**, for the avoidance of doubt, to the extent Filed Map 12578 is deemed to be an offer of dedication for North Drive, the Town Board of the Town of East Fishkill finds that the acceptance of the dedication of North Drive for public highway purposes is not in the best interests of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of East Fishkill hereby rejects any offer of cession and dedication for North Drive shown on Filed Map 12578, as described above.

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or his authorized designee to sign all documents as may be necessary to effectuate the purpose of this resolution.

**Full Environmental Assessment Form**

**Part 3 – Evaluation of the Magnitude and Importance of Project Impacts  
and Determination of Significance**

**PROJECT NIAGARA/FRITO-LAY FULFILLMENT CENTER:  
10-350 North Drive**

Parcel Nos. p/o 6356-04-861300, 6356-04-950353 and p/o 6456-03-054349

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the East Fishkill Town Board, as Lead Agency. This narrative will discuss and explain the analysis of the potential impacts, and why the Proposed Action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in the Part 3, even if the potential impact was identified as “none” or “small” in Part 2 of the Full Environmental Assessment Form (EAF). Based upon a review of Parts 1 and 2 of the EAF and all other application materials that were submitted in support of the Proposed Action (Type I), along with reports from Town staff and consultants, information from involved and interested agencies, and information from the public, the East Fishkill Town Board, undergoing a coordinated review, provides the following rationale for its SEQRA Determination.

Project Description:

The Proposed Action is the construction of a new automated high-technical fulfillment center to be located on approximately 28.4 acres of land at the northern portion of the site known as the former IBM East Campus (the “Property”). The Property is located in the I-1 Light Industrial Zoning District and encompasses portions of Lots 2 and 3, as shown on the “Final Subdivision Plat, GlobalFoundries U.S. 2 LLC,” filed in the Dutchess County Clerk’s Office on August 3, 2017 as FM# 12578, and previously served as part of the former IBM East Campus parking lot. The proposed development would consist of three structures to include a fulfillment center, fleet center, and guard house containing a total of approximately 155,958 square feet. The facility will also have approximately 20 loading docks, 109 automobile parking spaces, 13 tractor parking spaces and 100 trailer parking spaces. Improvements include a reconfiguration of access drives and parking lots, stormwater management, landscaping, and other utility infrastructure.

The Proposed Action includes a request for approval of an Economic Redevelopment Special Permit, Subdivision and Site Plan. The Town Board is the approval authority for the Special Permit and the Planning Board is the approval authority for the Subdivision and Site Plan.

The Proposed Action is a Type I action. The Town Board authorized the circulation of its Notice of Intent to Declare Lead Agency on August 26, 2021 and the circulation was sent to all known involved and interested agencies on September 13, 2021.

Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment.

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical alteration to the project site.**

The overall disturbance area of the Proposed Action is approximately 19.6 acres. Most of the proposed disturbance includes areas of the site that have previously been disturbed, as the Property is currently developed with an asphalt parking lot. The existing topography of the project site is mostly flat except for a grass berm located to the west of Gate 2 along NYS Route 52. A majority of the project site currently contains impervious pavement with several landscaped islands. No increase in impervious areas is proposed.

Project construction will likely last approximately 24 months due to the size of the project and potential unavoidable factors such as adverse weather conditions. Numerous measures will be undertaken throughout the construction period that will result in the project not having a potential significant adverse environmental impact due to the length of the project's construction. These measures are discussed in detail in the Stormwater Pollution Prevention Plan and incorporated by reference herein.

Due to the disturbance of earth during construction, best management practices (BMPs) will be employed to minimize potential impacts to air quality and storm water quality. To minimize dust impacts, selective clearing and grubbing will be performed as needed. As soon as grading operations for an area are completed, the area will be temporarily stabilized until it can be paved, landscaped or otherwise completed. Dust will also be controlled with the use of an on-site water truck and misting stations. Other measures during earthwork will include wetting the soil surfaces, covering trucks and stored materials with a tarp, and proper maintenance of equipment. Stabilized construction entrances will be used at all construction entrances to the Site to minimize trucks tracking soil onto public roads.

Project construction has been designed to avoid and/or minimize potential adverse construction-related impacts to the maximum extent possible with the measures outlined above. Based on the information set forth herein, the Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the Property.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water: The Proposed Action will not have a significant adverse environmental impact on wetlands or other surface water.**

The Town Board reviewed the information within the FEAF related to existing conditions of the Property in relation to surface waters and wetlands and makes the findings below.

Wetlands.

1. An evaluation and delineation of wetlands/watercourses was completed by GHD, Inc. (Gregory Kunka, P.W.S.) as described in the report entitled “Wetland Delineation,” dated May 21, 2021, for the entire Property and the immediately surrounding area. The delineation was performed in accordance with the U.S. Army Corp of Engineers 1987 Wetland Delineation Manual, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast, and New York State Wetlands Delineation Manual.

Based on the results of the wetland delineation by GHD, one area containing wetlands totaling 0.383 acres was identified in a vegetated swale at the eastern portion of the site. Hydrology for the wetland is currently provided by stormwater runoff from the site and surrounding areas. No disturbance to this wetland is proposed. Stormwater from the Project will include water quality treatment measures in accordance with applicable standards which would improve upon existing conditions.

Section 110-2 of the Town Code defines “wetlands” as “all portions of NYSDEC regulated wetlands and buffers, all portions of USACOE regulated wetlands, and all portions of ‘isolated’ wetlands not regulated by either NYSDEC or USACOE and with an area of 1/2 acre or more.” Thus, under the Town’s regulatory threshold for wetlands, the area identified by GHD consisting of 0.383 acres does not constitute a regulated wetland.

1. The Proposed Action does not include activities within the limits of onsite wetlands or within the 100-foot NYSDEC Adjacent Area associated with the off-site mapped and regulated NYSDEC wetlands.

The Proposed Action will not result in any significant adverse impact to wetlands or other surface water.

- **Impact on Groundwater: The Proposed Action will not have a significant adverse environmental impact on groundwater quality or quantity.**

The Project does not propose any discharge of wastewater or other contaminants to groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems. Water usage and liquid waste generation is anticipated to be 1,245 gallons per day. Adequate water supply and sewer capacity exist for these flows. (See also, “Impact to Water and Wastewater” and “Impact to Human Health,” below).

The Proposed Action will not result in any significant adverse impact to groundwater quality or quantity.

- **Impact on Water and Wastewater: The Proposed Action will not have a significant adverse environmental impact on water or sewer service.**

The Town Board has evaluated all potential impacts related to the project and finds that the project will not result in any significant adverse environmental impacts related to water or sewer service.

#### Demands

The water and sewer demands for the Proposed Action were estimated from Table B-3, “Typical Per-Unit Hydraulic Loading Rates” as provided in the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems (2014). The proposed warehouse will have up to 74 employees working each day (33 people for two shifts, 8 people for one shift). The category “Factory / Distribution Warehouse” is most applicable and has a unit loading rate of 15 gallons per day (gpd) per shift. The facility will not have showers. Therefore, the estimated water and sewer demand for the warehouse is 1,110 gpd. The guard post will have one employee stationed full time, twenty-four hours a day. The facility will have its own restroom. The same unit loading rate as the warehouse will be used in this case; therefore, the estimated water and sewer demand for the guard post is 45 gpd. The Fleet Center will have a restroom and floor drains in a maintenance area for vehicle repairs. The building will have an oil-water separator for the floor drains. The Fleet Center will not have a wash bay and drainage from the floor drains is anticipated to be minimal, consisting of drips from rain or melting snow. It is anticipated that 6 employees will staff the Fleet Center over two shifts (3 people per shift). As with the previous buildings, the category “Factory / Distribution Warehouse” is most applicable; therefore, the estimated water and sewer demand for the Fleet Center is 90 gpd. The proposed East Fishkill Fulfillment Center project will have an estimated total water and sewer demand of 1,245 gpd for three buildings. Adequate water supply and sewer capacity exist for these flows.

#### Water

The proposed project will receive water supply from the Dutchess County Water and Wastewater Authority (DCWWA) which has sufficient capacity to supply the

project. The Dutchess County twenty-inch supply line enters the site from the northwest corner and continues into the site with ownership transferring to Global Foundries at Building 350. A twenty-inch water main leaves building 350 and proceeds easterly across the project site. A portion of this water line is being relocated as part of the project. The water supply for both fire and domestic service will be from this twenty-inch line which crosses the site. The domestic water service for the site has been designed in accordance with the requirements of the Ten States Recommended Standards for Water Works, latest edition, and the plumbing code of New York State. Domestic water supply will be provided at the main warehouse, the fleet center, and the guard booth. Fire protection water service will be provided to the warehouse.

The fire flow demand for the warehouse will be met by the use of a fire pump located in a fire pump room. The fire pump shall be supplied with water from the DCWWA and shall provide 2500 gpm at 120 psi. Fire protection for the building will be designed in conformance with the Fire Code of New York State and NFPA 13. The fire pump shall be designed in accordance with NFPA 20. Six hydrants are provided at the perimeter of the warehouse and a new hydrant is located near the Fleet Center building. Existing hydrants are present on site in the area of the guard house.

Accordingly, the proposed project will not create any significant adverse water or water service impacts.

#### Wastewater

The projected wastewater generation for the site is 1,245 gpd for three buildings. The wastewater is being designed to outfall to the existing business park sanitary sewer collection system. The outfall connection point for the project is at a sanitary manhole southwest of the project parcel. No truck washing or manufacturing is taking place at the project site and as such all wastewater from the project site will be from bathroom facilities only.

The elevation of the proposed buildings will not allow for gravity sewer connections; therefore, individual low pressure sewer pump stations are proposed. Because the estimated sewer generation for each building is very small, compact semi-positive displacement grinder pump stations will be provided by E-One for each building's sewer lateral. The semi-positive displacement pumps have a near-vertical pump curve which results in a typical flow rate of 11-14 gallons per minute (gpm) when the pump is active, regardless of backpressure. Each pump station will consist of a fiberglass wet well and two grinder pumps. The pump stations will pump into a common 2-inch DR-11 HDPE force main manifold, which will convey the wastewater to the nearest existing gravity manhole for treatment at the adjacent wastewater treatment plant. This small diameter force main is possible due to the macerating action of the grinder pumps to prevent any clogging.

Backup generators will be included as part of the development to provide standby emergency power to the pump stations. The stations will be vented with a GAC odor control scrubber. Each station will have its own discharge check valve to prevent backflow when the other stations are pumping.

All water and sewer line installation, disinfecting, flushing, bacteriological testing, and installation of service connections shall be completed in accordance with the latest version of American Water Works Association (AWWA) Standards, 10 State Standards, New York State Design Standards for Intermediate Sized Wastewater Treatment Systems (2014), and Dutchess County Design and Construction Standards.

The sanitary system for the business park, that the site connects into, conveys wastewater to the Global Foundries Sewer Treatment Plant immediately to the west of the business park. The treatment plant outfalls to Gildersleeve Brook and has the capacity to accept the proposed wastewater generated from the project site.

Accordingly, the proposed project will not create any significant adverse wastewater impacts.

#### Conclusion

The Proposed Action will not result in any significant adverse impact to water or sewer service.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

The Applicant prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the Town of East Fishkill and the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) technical standards. The SWPPP identifies the erosion and sediment control, pollution prevention and stormwater management measures to be implemented during construction to minimize soil erosion and control sediment transport off site and after construction to control and treat stormwater run-off from the developed site. The project is considered a redevelopment project and as such will be designed in accordance with Chapter 9 of the New State Stormwater Management Design Manual. Erosion Control Practices will be implemented in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. To evaluate the potential impacts associated with the development of the site, existing and proposed condition hydrographs were generated using standard NRCS TR-55 methodology. The existing and post development condition peak flows and

required Water Quality Volumes (WQv) were computed for the proposed project. Since the project will result in a reduction of impervious area, peak flow mitigation of the 10 year and 100-year storm events will not be required. Water Quality treatment will be provided in accordance with Chapter 9 of the Design Manual utilizing hydrodynamic separators.

Accordingly, based on the proper construction and maintenance of the measures for erosion control, sediment control, pollution prevention and stormwater management measures in accordance with the requirements outlined in the SWPPP and the accompanying project plans, the Proposed Action will not result in any significant adverse impacts on or alter drainage flows or patterns, or surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

The Town Board has reviewed the relevant facts related to air quality and makes the findings below:

1. Pursuant to 6 NYCRR 217-3.2, idling for heavy duty vehicles is limited to no more than five (5) consecutive minutes when the vehicles are not in motion. This will significantly limit any noxious fumes emitted by tractor trailers.
2. The building is proposed to be heated primarily by natural gas.
3. No air permits from New York State or Federal agencies are required in order to operate the facility.
4. Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes and is expected to continue for approximately 24 months.

The Proposed Action will not create any significant adverse impact on air quality.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

Burns & McDonnell Consultants, Inc. prepared a report dated June 24, 2021 which reviewed the potential for threatened and endangered species on the Property. The report included a desktop review of the site for rare, threatened, or endangered species, including review of on-line GIS data layers available from United States



Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC). In addition, the report included the results of an on-site survey conducted on May 12, 2021.

Burns & McDonnell visually assessed all existing site characteristics and surveyed the Project site for natural habitats and communities on, and in the immediate vicinity of, the site including wetlands, waterbodies, and native and invasive woody and herbaceous plants. Tree, shrub, and herbaceous species were noted in planted landscaped areas as well as a wooded area in the northeast corner of the site. A small (less than 0.50 acres) emergent and forested wetland is located within the wooded area. A large floodplain forest is indicated near the site as mapped by NYSDEC, although this natural community is not found directly on the site. Burns & McDonnell concluded that development activities will improve upon existing conditions and not affect the natural community.

Based on consultation with USFWS, species federally listed, or proposed to be listed, that may be present in the area of the Property is the Indiana Bat (*Myotis sodalis*), which is listed as endangered under the Endangered Species Act, and is also state-listed as endangered. Seven species of birds were identified on the USFWS Birds of Conservation Concern (BCC) list or as warranting special attention in the project location, but the probability of the presence of five of the seven bird species is low (i.e., likely to be present for a single week or a few weeks in any given year). The other two bird species, Bald Eagle and Black-capped Chickadee, have a higher probability of presence in the area, but as described below, the site was not found to provide suitable habitat due largely to its highly developed setting.

The site was also evaluated for potential habitat for the Bog Turtle (*Glyptemys muhlenbergii*), due to the fact that the NYSDEC website indicates that the Property is located within a mapped distribution area for the species. Results of the site survey indicated a lack of suitable habitat due to the current development condition consisting of mostly paved areas, access roads, and planted lawns.

Burns & McDonnell concluded that, in general, habitat for all wildlife at the Property is very limited, and is broadly non-existent for the species listed above due to the fact that the Property is in a developed industrial area and is mostly paved with asphalt. Aside from the wooded area in the northeast corner of the Property, the only vegetation consists of planted lawn, mulched areas, and trees associated with landscaped islands within or adjacent to paved areas, and “street trees” at the periphery of the site, main entrance drive, and the internal circulation drive. Suitable habitat for Bog Turtle or Indiana Bat is not present on the Property, nor were the species observed during the site walk, and therefore there would be no impact to these listed species by the proposed project. For similar reasons, there would be no impact to migratory bird species.

The Proposed Action will not have a significant adverse impact on flora or fauna.

- **Impact on Agricultural Resources. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

The Property does not contain and is not contiguous to any agricultural land.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views. Motorists traveling on NY State Route 52 will have fleeting views of the project. Vegetative buffers and grade changes between the site and NY State Route 52 create a location for the proposed building that is partially screened from view.

The project has been designed to be consistent with the character of the surrounding industrial campus and it is subject to an architectural review by the Town Architectural Review Committee and the Planning Board. The elevations for the proposed buildings were revised to address comments from the ARC to provide colors that are compatible with those of other developments in the area, as well as to provide a better scale and more attractive “streetscape” as viewed from NYS Route 52. Additionally, new trees will be planted within the new parking lot, along the north and west side of the fulfillment center, within the grassed berm west of Gate 2, and at the perimeter of the Property for screening of the proposed activities at the Property.

Therefore, the Project will not have a significant adverse impact on aesthetic resources.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) State Historic Preservation Office (SHPO) Cultural Resource Information System (CRIS) was reviewed for information relevant to any historic or archeological resources at the project site. The CRIS indicates that a portion of the project area is within area designated as archeologically sensitive. No National Register listed or eligible properties are mapped within or adjacent to the project area. The proposed project site is located almost entirely on a parking lot that was previously graded. Prior disturbance of the site is also supported by the Natural Resources Conservation Service Web Soil Survey, which indicates that the soils

within the project area are primarily Urban Land (Ur) and Udothents, smoothed (Ud).

The project has been designed to be consistent with the nearby development in the industrial park within which the project will be located. Impacts to archeological and historic resources are not anticipated since there are no listed or eligible properties in or near the project area and since the project area has been previously disturbed.

Accordingly, the Proposed Action will not have a significant adverse impact on historic or archeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the Town of East Fishkill. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Proposed Project is located on the NYS Route 52 corridor, a major regional thoroughfare that runs through the Town of East Fishkill, and iPark Boulevard, an arterial connecting NYS Route 52 with Interstate 84 (I-84). According to the Traffic Impact Study (TIS) prepared by AKRF, Inc. dated September 20, 2021 and submitted as part of the EAF, regional access to the site will primarily be provided via iPark Boulevard at Gate 3, a signalized intersection to be utilized by the vast majority of the passenger cars (workers and visitors) and by all the trucks with some passenger cars (workers and visitors) utilizing the unsignalized intersection of NYS Route 52 with Gate 2. Gate 3 will be designed to provide a bypass lane for passenger car traffic to reduce the comingling of truck and passenger car traffic and to ensure there is no congestion or delays at this gate due to the Proposed Project. As per direction from the New York State Department of Transportation (NYSDOT) the existing bagged traffic signal will be removed from the Gate 2 and NYS Route 52 intersection. Frito Lay will obtain a Highway Work Permit (HWP) for this and any roadway work to be performed in the NYSDOT Right-of-Way (ROW).

The Town reviewed the following information within the EAF related to TIS and the following summaries the key findings below:

1. According to the TIS, the proposed projects would generate approximately 114 new trips (57 entering, 57 exiting) during the weekday morning peak hour and 103 new trips (70 entering, 33 exiting) during the weekday evening peak hour. As part of the TIS, a capacity analysis was performed at the following intersections (the TIS was conservative in superimposing the peak of the Proposed Project onto the peak of the roadway network, although the two do not coincide):
  - a. NYS Route 52 & Palen Road/County Route 31/Gate 1
  - b. NYS Route 52 & East Drive/Gate 2
  - c. NYS Route 52 & iPark Boulevard/County Road 27
  - d. iPark Boulevard/County Road 27 & Shenandoah Road/Gate 3
  - e. iPark Boulevard/County Road 27 & Old Lime Kiln Road/Gate 5
  - f. I-84 Westbound Ramps & iPark Boulevard/County Road 27
  - g. I-84 Eastbound Ramps & iPark Boulevard/County Road 27
2. The TIS projected traffic volumes to include existing traffic and new traffic generated by background growth, other project proposed on iPark property and nearby approved developments including Project Redtail (Amazon) as provided by the Town Planner to derive the 2023 No Build traffic volumes. The site-generated trips were added to the 2023 No Build traffic volumes to derive the 2023 Build traffic volumes.
3. The TIS includes a summary of the most recent pre-pandemic three-year crash data obtained from NYSDOT, which showed that no high crash locations are present in the study area. Based on the crash history, the Proposed Project is not anticipated to exacerbate the crash experience in at the study area intersections.
4. The proposed truck traffic related to the project operation will be restricted from accessing the site via Gate 2 and will not utilize NYS Route 52 for access to the site. Trucks accessing the Proposed Project will access the site via I-84 and the iPark Boulevard/Gate 3/Shenandoah Road intersection.
5. As part of the Proposed Project, the Applicant will reopen Gate 2 (currently a closed gate with a bagged traffic signal). The NYS Route 52 and East Drive intersection will be utilized for access by passenger cars only. The NYSDOT has requested for the existing bagged traffic signal to be removed by the Applicant in coordination with the Town and NYSDOT. The Applicant will obtain a HWP relating to the removal of the traffic signal at Gate 2 and for any other work to be performed within the NYSDOT ROW (all work to be performed and designed to NYSDOT standards).
6. Based on a field visit on September 21, 2021 with NYSDOT, Town's traffic consultant and the Applicant's traffic consultant (AKRF), it was determined

that a westbound NYS Route 52 left turn lane would not be required and that NYSDOT had no objections to the operation of the Gate 2 as a full movement, unsignalized intersection. AKRF prepared a supplemental iPark Warehouse Development – Gate 2 Alternative Operation Memorandum dated September 21, 2021 summarizing the analysis of the Gate 2 intersection based on the full movement unsignalized intersection discussed at the field visit with the NYSDOT. The memo found that the operation of Gate 2 would not result in any significant impacts to traffic operating conditions along the NYS Route 52 corridor based on the outlined limited use by employees and visitors utilizing the Route 52 corridor.

7. Based on the analysis, the Proposed Project is not anticipated to generate significant impacts to traffic or safety conditions on the adjacent roadway network. The Town's traffic consultant, HVEA Engineers, reviewed AKRF's traffic study and concurred with the results of the analysis

**Accordingly, the Proposed Project Will not result in any significant adverse traffic or transportation and safety impacts.**

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the anticipated additional demand. The Proposed Action does not require a new substation, or an upgrade to any existing substation.

All building construction proposed at the project site shall comply with state and local codes. Standards apply to the use of energy-efficient building materials (e.g., insulation, windows, weather stripping, door seals, etc.) and mechanical systems (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.), which minimize the amount of energy required. The New York State Environmental Conservation Law also requires that water saving plumbing fixtures be installed that meet water conservation flow standards. The purpose of installing this equipment is to conserve energy resources required to heat the water and minimize unnecessary water loss. All mechanical equipment within the building is being designed to energy code standards, with high-efficiency motors, transformers, etc. Building ventilation is also being designed to meet or exceed the latest energy code requirements. All light fixtures within the building are LED type which will consume a smaller energy footprint than fluorescent or incandescent lighting.

For the reasons noted above, the proposed development will not have a potential significant adverse impact on energy resources.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

A sound study was completed by Burns & McDonnell, dated June 2021, to assess the potential for noise impacts of the construction and operation of the Project. Federal, State, and local documentation were utilized to determine the noise guidance and regulations applicable to the Project. Ambient sound level measurements were taken as a part of this study to quantify the existing sound environment and to establish sound levels for comparison to the NYSDEC guidance requirements. The Project includes stationary noise emitting heating, ventilation, and air conditioning (HVAC) equipment on the buildings and intermittent noise from truck traffic shipping activities. The equipment and truck impacts were assessed through the development of a sound model.

Noise emissions from the Project are predicted to be below the Town of East Fishkill noise ordinance limit of 70 dBA at the noise-sensitive receptors. The modeled results also show the predicted Project sound levels are not expected to increase the existing ambient levels by more than 6 dBA at noise sensitive receptors, satisfying the NYSDEC guidance requirement for when adverse impacts regarding noise would occur. In addition, the peak hours of operation for the Project would not be expected to coincide with peak shifts of the adjacent Amazon facility or the AM or PM peak traffic hours on Route 52. Therefore, the Project would not be anticipated to result in any cumulative noise impacts. Regarding noise from unavoidable temporary construction activities, it is expected that such noise will generally be below the peak road noise and will not result in any significant adverse impact.

The Proposed Action is not anticipated to generate any noxious odors. No manufacturing will take place at the site.

Site lighting at both the fulfillment center and fleet center will consist of a combination of wall-packs, flood lights, and pole-mounted light fixtures. Pole-mounted light fixtures will be installed on 20-foot Round Straight Steel (RSS) poles, with fixtures around the property being tilted in toward the site. Wall-packs and flood lights will be mounted to the exterior walls of both the fulfillment center and fleet center, at varying heights from 10 to 30 feet above finished grade. Light fixtures used will be Nighttime Friendly and Dark-Sky Approved by the International Dark-Sky Association. Site lighting will also be designed to minimize spillage and impact to adjacent properties. Light poles will be at heights so that the average light intensity will be equal to or less than 5fc in high security areas and 1fc in other areas. Color temperature of light fixtures will be 3,000K. All site lighting will feature up-light visors, and lighting fixtures around the perimeter of the property will additionally include back visors to protect neighboring properties from light trespass. A detailed photometric plan was submitted to the Town Planning Board on October 7, 2021.

**Accordingly, the Proposed Action will not have a significant adverse impact as a result of noise, odor or light.**

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Former IBM East Fishkill Facility (State Superfund Program Remediation Site #314054, 6 NYCRR Part 373 Permit No. 3-1328-00025/00249, and EPA ID NYD000707901) East Campus consists of approximately 464-acres of land with approximately 2.7 million square-feet of building space and associated asphalt-paved parking and driving areas and landscaped areas, and is currently owned by i.Park (Lots 2, 3, 4, 6, 7, and 8) and Global Foundries (Global) (Lots 1 and 5) (collectively referred to as the “Site”). The Proposed Action which has been studied by the Town Board as Lead Agency concerns an approximately 28.4 acre portion of the Site of what is known as the “Route 52 Corridor” or “Perimeter Area” and referred to as new Lot 9.

Based on a review of historical documents, Lot 9 was historically owned and operated by IBM, who started their operations at the Property in 1962 for the development and manufacturing of semiconductors, semiconductor packaging, and electronic computing equipment. Global purchased the Property from IBM in 2015 and in turn sold a portion of the Site, which includes Lot 9, to i.Park in August 2017. The review of historical information confirms the Lot 9 was not utilized for manufacturing or waste storage activities and consisted only of asphalt-paved parking and driving areas since development by IBM circa 1962 to the present.

Numerous environmental investigations have been conducted at the Site. Environmental investigations and remediation at the Site are ongoing by IBM and under the oversight of the NYSDEC and U.S. EPA. IBM continues to conduct monthly sampling of 165 locations and quarterly groundwater elevation measurements of 387 wells to confirm on-site hydraulic control and containment of the contaminated groundwater. IBM pumps and treats groundwater from the on-site deep bedrock production well system, thus preventing off-site migration. The use of groundwater as a source of drinking water is no longer allowed and the Site, including Lot 9, is (or in the case of Lot 9, will be) serviced by the Town of Poughkeepsie municipal water supply.

These investigations have identified chlorinated and non-chlorinated volatile organic constituents (VOCs) of concern in both the soil and groundwater in several defined areas of the Site, referred to as Areas of Concern (“AOC”). There is no evidence of surface water and sediment contamination at the Site. The impacted soil and groundwater at the AOC’s are being remediated through the implementation of interim corrective measures (ICMs) in the AOC’s identified as Areas A, B, C, D, Building 320, Building 330, Building 322, the Southeast Quadrant, and the deeper

bedrock. Only a small portion of Area A, as depicted on the Site Plan and Subdivision Map is located on Lot 9. However, investigations of Lot 9 have found no evidence of impacted soils based on the 6 NYCRR Part 375-6.8(b) restricted use Soil Cleanup Objectives (SCOs). Generally, on the Site itself in the AOC, the remediation consists of a combination of source removal, continuous groundwater pumping and treating, air stripping and carbon adsorption and active and passive, as the case may require for a particular area, vapor mitigation systems. No such remedial measures exist on Lot 9.

Both the Fulfillment Center Building and the Fleet Center building will be constructed with a vapor barrier and a passive soil vapor mitigation system. The NYS Department of Health will require the Applicant to conduct an indoor air sample once the buildings are operational. While the vapor mitigation system is designed to be passive, it is also designed and constructed to be modified to operate as an active system should testing warrant such active operation.

As initially proposed, the Fleet Center included a maintenance bay, wash bay and fueling operations (a dispenser and 9,000 gallon above ground tank). During the course of the land use review, the Applicant modified the Proposed Action to remove the wash bay and fueling operations, thus removing an operation that uses petroleum products and other chemicals. The use of the Property as a Fulfillment Center does not involve the creation, use or storage of hazardous materials and accordingly, the Proposed Action does not create new sources of hazardous contaminants or otherwise have an impact on human health due to the release of hazardous contaminants.

Accordingly, based on the (i) extensive investigation at the overall Site and Lot 9, (ii) past use of Lot 9 as a parking lot since 1963; (iii) imposition of an environmental easement containing use restrictions and institutional controls, on Lot 9, in favor of NYSDEC; (iv) investigations on Lot 9 have found no evidence of impacted soils based on the 6 NYCRR Part 375-6.8(b) restricted use Soil Cleanup Objectives (SCOs); (v) that any soils to be excavated will be managed in accordance with a Site Management Plan and Excavation Work Plan reviewed and approved by NYSDEC; and (v) the groundwater is not used for drinking water, that the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

**The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

- **Consistency with Community Plans: The Proposed Action is not inconsistent with adopted community plans.**

The Proposed Action would result in the redevelopment, reuse, and reutilization of a vacant and underutilized industrial site with a fulfillment center/warehouse facility. The site was formerly a parking lot for a portion of the IBM East Campus. The Proposed Action would result in the construction of a fulfillment center, fleet center



and guardhouse consisting of a total of 155,958 square feet. The fulfillment center is proposed to be a maximum of 50 feet except for 25% of the building footprint which will house the ASRS machinery and will be 79 feet in height. The Proposed Action also includes 20 loading docks, 109 automobile parking spaces, 13 tractor parking spaces and 100 trailer parking spaces. The redevelopment of the vacant, underutilized industrial site would be consistent with the surrounding industrial land uses and the existing industrial zoning, but requires the approval of an Economic Redevelopment Special Permit.

The Proposed Action is in accordance with the stated public policy goals in the Town of East Fishkill Comprehensive Plan (2002). The Plan called for the entire IBM Campus to be used for industrial uses. As originally stated in the Town's 1982 Comprehensive Plan and reiterated in the 2002 Plan, the I-84 corridor is an appropriate location for industrial development. In addition, the Proposed Action is consistent with the Plan's following stated goal: "Identify land with marketable sites and good interstate highway access in order to attract high-value industry. Industrial zoning shall continue to be maintained near the interstate and reduced near the railroads."

The Proposed Action is consistent with the I-1 zoning district which permits "warehousing and distributing" subject to approval of an Economic Redevelopment Special Permit ("ERSP") by the Town Board. The ERSP allows for greater flexibility of site design to encourage the redevelopment of former industrial campuses in the I-1 zone. The Proposed Action is in conformance with the special permit criteria of the ERSP at §194-46.7 of the Town Code, and meets all site plan and subdivision standards in the Town Code.

As a fulfillment center, the Proposed Action is appropriately located near major thoroughfares and transportation hubs including Interstate Route 84, Route 52, Interstate Route 87, and Stewart International Airport.

Compared with other commercial, residential or institutional uses, fulfillment centers/warehouse facilities have limited impacts on municipal services including the police and fire departments and school districts.

The Proposed Action is compatible with existing land uses in the vicinity, including iPark and Global Foundries. To minimize impacts to surrounding land uses along NYS Route 52, existing natural vegetation along the perimeter of the Property will be left largely intact to serve as a buffer and will be supplemented with additional vegetative screening, including evergreen species.

The Proposed Action will utilize iPark Boulevard/Limekiln Road and Gate 3 as the primary access to the site for trucks and employees. Some passenger vehicles may also utilize Gate 2 off of NYS Route 52.

**The Proposed Action will not have a significant adverse impact on community plans, land use or zoning.**

- **Consistency with Community Character: The Proposed Action is consistent with existing community character.**

Fiscal:

The Town Board reviewed information related to the fiscal conditions of the Proposed Action and makes the findings below:

1. The current taxable assessed value of the Project site is \$973,775. No tax exemptions are recorded for any of the Project site.
2. Property Taxes – The Project is projected to generate significantly higher property tax revenue than the current taxes of approximately \$30,000.
3. The Project will be subject to a payment in lieu of taxes (PILOT) agreement. The PILOT is designed to gradually implement taxes over 15 years. Property taxes for Town/County/School over the first 15 years will be approximately \$6,500,000 more than if there were no project at all. The Project represents a positive fiscal impact for all taxing districts.
4. Wappingers Central School District (WCSD) – Without residential construction and no school-aged children generated as a result of the Project, the Project would not result in any direct costs to WCSD. Instead, the Project would provide significant tax revenues to the school district.
5. Overall Projected Net Benefits – Over a 15-year lifetime, the Project is projected to have total net benefits of \$6,500,000.
6. Construction jobs – Approximately 80 construction jobs are anticipated to be created during the estimated 24-month construction period.
7. Long Term Employment – It is projected that up to 80 full-time equivalent employees will be employed by the Project. Salaries are expected to average approximately \$50,000 which is 150% of the average salary in Dutchess County. In addition, robust benefits packages will be offered.

**Accordingly, the Proposed Action will create substantial fiscal benefits for local and regional jurisdictions through tax revenues and job creation.**

Public Services:

The Town Board reviewed information related to the Proposed Action's demand on public services and makes the findings below:

Police: Private security measures will be implemented at the project site on a 24/7/365 basis, including but not limited to gates and a guardhouse, video surveillance, alarms, and internal staff training. There is no anticipated need for additional police manpower at the project site. Any increase in calls to the police department resulting from the Project will be adequately mitigated by the combination of on-site security measures and the significant tax revenue that will be generated by the Proposed Action.

Fire Protection: The buildings will be constructed in conformance with all fire safety regulations. The project plans were reviewed by the Town Fire Advisory Board and the East Fishkill Fire District. Concerns were raised about the ability of the Fire District to service the proposed building due a portion of the building proposed at a height of 79 feet. The portion of the building proposed at 79 feet will provide vertical space for the fulfillment center's inventory and will not include habitable space in the upper reaches of the building. The Applicant has agreed to provide a mitigation payment to the East Fishkill Fire District representing its fair share toward the District's purchase of an apparatus to service the proposed building. Due to these measures, the Proposed Action will not have a significant adverse impact on fire services.

EMS: The rescue squad is a division of the EFFD and is a volunteer Basic Life Support (BLS) ambulance service that provides emergency medical service to East Fishkill and surrounding communities under pre-planned mutual aid agreements 24 hours a day, 7 days a week. The Proposed Action will be designed to accommodate all emergency service needs, including EMS equipment. The Proposed Action will not result in a significant adverse impact on emergency medical services. Any increase in calls to the police department resulting from the Project will be adequately mitigated by the significant tax revenue that will be generated by the Proposed Action

School District: The Proposed Action will not generate any school-aged children since it is not a residential development. The School District will, however, receive increase tax revenue from this Property as a result of the Proposed Action.

**The Proposed Action will not have a significant adverse impact on community character, including community services.**

Based upon this information and the information in the Full Environmental Assessment Form and all other materials submitted to the Town Board in connection with the Proposed Action, the Town Board finds that the Proposed Action will not have any significant adverse impacts upon the environment.

Adopted: November 4, 2021  
East Fishkill, New York

Motion by Councilman Beephan, seconded by Councilman Franco:

COUNCILMEN	VOTING
Anil Beephan	AYE
Emanuele Marinaro	AYE
Peter Cassidy	AYE
Tom Franco	AYE
Nicholas D'Alessandro, Supervisor	AYE

Motion to authorize a Negative Declaration and Special Permit for Rolling Frito Lay: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**4. Authorize the hiring of a Part-time Economic Director to Fill a Vacancy**

**RESOLUTION**

**(AUTHORIZE HIRING OF ECONOMIC DEVELOPMENT DIRECTOR)**

**WHEREAS**, the Economic Development Director position has been vacant for one month; and

**WHEREAS**, over the past year the Town has benefitted from the services of a part-time Economic Development Director; and

**WHEREAS**, continuing the position of Economic Development Director is beneficial to all residents of the Town; and

**WHEREAS**, the Town Board has interviewed Patrick Manning, recommended by the Town Supervisor; and

**WHEREAS**, the Dutchess County Human Resources has determined the candidate meets the minimum qualifications for the position; and

**NOW, THEREFORE, BE IT RESOLVED**, that Patrick Manning of Hopewell Junction, NY is hereby appointed to the position of part-time Economic Development Director; and

**BE IT FURTHER RESOLVED**, that the Director will work under the direct supervision of the Town Supervisor and the Town Board; and

**BE IT FURTHER RESOLVED**, that the part-time Economic Director will be paid \$2,000.00 per month based on an average work week of 20 hours with no benefits; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor will prepare a list of projects for the Director to work on and will provide a copy to the Town Board.

Motion to authorize the hiring of a part-time Economic Director to fill in a vacancy: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Additions to the Agenda by Majority Vote (if any):**

None.

**Budget Transfer:**

Supervisor D'Alessandro stated there were none.

**Comments from Town Board Members:**

Supervisor D'Alessandro stated there would be no comments at this meeting. They would be held over to the next one. He did congratulate everyone who won positions during election or reelection and wish them all luck. He thanked all the citizens who took time to go and vote.

Board Member Beephan wished a happy Diwali to all of the Indian residents and others who may celebrate this.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 7:42 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Town Board Meetings:**

**Voting Meeting:**

**November 18, 2021**

**Regular Meeting:**

**December 9, 2021**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
– November 13, 2021